

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Amythyst Brown,

Case No. 3:18 CV 801

Plaintiff,

-vs-

ORDER ADOPTING
REPORT & RECOMMENDATION

Commissioner of Social Security,

JUDGE JACK ZOUHARY

Defendant.

Plaintiff *pro se* Amythyst Brown filed a Complaint against Defendant Commissioner of Social Security in April 2018 (Doc. 1). Brown challenges the Commissioner's decision to deny her application for disability benefits (*id.*). The Complaint was automatically referred to Magistrate Judge George Limbert under Local Civil Rule 72.2(b)(1) (Non-Doc. Entry 4/16/2018). The Commissioner filed an Answer (Doc. 9), and Brown and the Commissioner both filed Briefs on the Merits (Docs. 12, 15). Judge Limbert then issued a Report and Recommendation (R&R), concluding the Complaint should be dismissed (Doc. 16 at 1).

This Court reviews *de novo* any portions of an R&R to which a party timely objects. 28 U.S.C. § 636(b)(1). Failure to timely object, however, waives district and appellate court review of the R&R. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981). This waiver rule applies only if the parties are notified that failure to object results in waiver, *see Walters*, 638 F.2d at 950, and it has few exceptions, *see Vanwinkle v. United*

States, 645 F.3d 365, 371 (6th Cir. 2011) (prevailing party exception); *United States v. 1184 Drycreek*, 174 F.3d 720, 725–26 (6th Cir. 1999) (miscarriage of justice exception).

The R&R notified the parties that failure to object would result in waiver (Doc. 16 at 9). Neither party has objected, and the deadline for objections has passed. This Court therefore adopts the R&R (Doc. 16) in its entirety; the Complaint (Doc. 1) is dismissed. An appeal from this Order could not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

June 26, 2019